

NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION

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MINUTES OF MEETING

June 5, 2002

(Approved September 5, 2002)

Members Present: William Porter, Stephen Judge, Ronald O'Keefe, David Duquette, Paul Fortier, Joseph Butts, Corey Landry, Richard Mason.

Members Absent: Robert Nelson, John Stephen, Les Cartier, Scott Carrigan, Roger Hatfield, John Hoglund, Peter Russell, Donald Bliss.

Others Present: Division of Fire Standards & Training Staff--Bruce McPherson, Bureau Chief; Sue Prentiss, Bureau Chief; Dale Boyd, Recording Secretary. Deputy Chief Steve Carrier, Laconia Fire Department and Fire Instructors & Officers Association of NH. Bill McQuillen, Secretary-Treasurer, NH Professional Firefighters.

I. CALL TO ORDER

Item 1. Pledge of Allegiance to Flag. The meeting of the New Hampshire Fire Standards & Training Commission was called to order by Chair Paul Fortier at 3:10 p.m. on Wednesday, June 5, 2002 at the Richard M. Flynn Fire Academy. The Pledge of Allegiance to the Flag was recited.

Item 2. Introductions. Chair Fortier introduced Chief Ronald O'Keefe of the Durham Fire Department, who is the new Commission member representing the Permanent Chiefs for the NH Fire Chiefs Association. Commissioner O'Keefe has replaced Chief Rick Plummer.

Chair Fortier also introduced Deputy Chief Steve Carrier of the Laconia Fire Department. Chief Carrier will be the next Commission member representing the Fire Instructors & Officers Association of NH. He will be replacing Scott Carrigan.

Commissioner Duquette introduced Bill McQuillen, who is the Secretary-Treasurer of the Professional Firefighters.

II. APPROVAL OF MINUTES

Item 1. May 1, 2002. The following changes were noted for the Minutes of the May 1, 2002 Commission meeting:

- (a) Page 2, last paragraph, last sentence, add a period to the end of the sentence.
- (b) Page 6, item (d), third paragraph, first sentence, change to read: Commissioner Porter asked if Commissioner Nelson had any plans to utilize the geo-stationary satellite.
- (c) Page 7, item 10), sixth paragraph, third sentence, change the sentence to read: Director Mason answered that, if someone passes the written test, they then can go to the physical ability portion.

A quorum was not present for a vote.

III. CHAIR'S REMARKS

Chair Fortier welcomed everyone to the meeting.

IV. COMMITTEE REPORTS

Item 1. Emergency Medical Services Liaison. Chief Prentiss reported on the following items:

- (a) The Region 3 office, the southern New Hampshire field office, has moved from Manchester to Wilton. All hospital coordinators and EMS units within that area, which is the Manchester-Nashua area, have been notified.
- (b) Four vacancies have been posted in-house, and the application deadlines have passed. For any of the positions we don't have certified in-house candidates for, we now are going the next step and go out hopefully sometime soon.
- (c) At the Medical Control Board and the Coordinating Board meeting, which was held in Portsmouth in May, the big issue discussed was the EMT-Intermediate change in curriculum; we are not eliminating that level, but are discussing whether to adopt the new national curriculum or create one of our own.
- (d) George Patterson, who has served as the Chairman of the EMS Trauma Services Coordinating Board for the last term, is resigning his seat this fall. A nominating committee has been put together that will be seeking out interested candidates.

- (e) The Bureau of EMS is going to be partnering with the Rural Area Health Care Consortium to apply for a grant for rural automatic external defibrillators to be purchased to train personnel in rural areas to increase the survivability of cardiac arrest in rural settings. Nationally, \$12.5 million are available. We know we will get at least \$50,000 for this State, and we are hoping for more.

Item 2. Curriculum Review. Commissioner Duquette reported on the following curriculum areas:

- (a) Fire Inspector I: The NFPA Fire Inspector I three-day pilot program went on this week. Director Mason said that he spoke with a student last night who said it was a very good course, and they are doing a great job with the dynamics of the program. Chief McPherson said all the comments he has heard were positive.
- (b) Hazardous Materials Technician: A Hazardous Materials Technician in Hanover was just completed.
- (c) ARFF: Director Mason explained that in-house instructors are currently doing their yearly required training. They only needed the actual burn.
- (d) Driver/Operator: Commissioner Duquette stated that he was in contact with Chief Chuck Palm of Meredith about doing a field pilot program for Driver/Operator in that area. He has not heard back from Chief Palm yet. If the Meredith or the Lakes Region areas can't do it, which is a likelihood because it's their busy season now, we will see if someone else would like to host it.
- (e) Structural Collapse: We are expecting a presentation at the September meeting of the Structural Collapse curriculum.

Item 3. Fire Marshal's Office. Director Bliss was absent.

Item 4. Forest Protection Bureau. Commissioner Nelson was absent.

Item 5. Rapid Intervention Teams (RIT). A memorandum from Commissioner Cartier to Chair Fortier was enclosed in the Commission members' packets, along with a copy of the notice regarding the RIT program scheduled for July 23-24-25, 2002. In answer to a question from Deputy Chief Carrier, it was explained that the July program is a train-the-trainer for Staff Instructors who were on the RIT Visiting Committee. A train-the-trainer for State Instructors will be scheduled later.

Item 6. NFPA Standards 1031-1033-1035. Commissioner Hatfield was absent.

V. REPORT OF THE DIRECTOR

Item 1. Director's Report #62 covered the following subjects: 1) Grand Opening, 2) Recruit School, 3) National Burn Building Design & Construction Symposium, 4) New England Association of Fire Chiefs, 5) Inspector I Pilot, 6) Committee of Merit, 7) Motorcycle Accident, and 8) PFFNH Conference.

Further discussion was held on:

- 1) Director Mason passed pictures around of the ARFF Grand Opening. There was a short program with a demonstration. The opening paragraph in the *Concord Monitor* said that "most facilities that have a grand opening celebration cut a ribbon; at the Fire Academy they torch it."
- 6) The Committee of Merit's Awards Ceremony will be held on Wednesday, October 9, 2002 at the Capitol Center for the Arts on North Main Street in Concord.
- 7) The lady who died in a motorcycle accident recently was the wife of a Meredith Police Sergeant and was Commissioner Russell's administrative assistant; we will be sending a condolence card.

Other items discussed were:

- 9) Chief Ronald O'Keefe was nominated by Governor Shaheen and has been confirmed by the Executive Council as a Commission member. His term will expire on November 12, 2003 as he is completing Chief Rick Plummer's term. He will need to be renominated next year for a full three-year term.

VI. OLD BUSINESS

Item 1. C2F2 Residency Requirement. Chair Fortier stated that some questions have come to Director Mason and him regarding possible problems with the C2F2 residency requirement. We asked our Attorney General's representative to give us an advice memo as to how our residency requirements fits in with the Fair Labor Standards Act (FLSA). We received an advice memo from Attorney Karen A. Schlitzer. The advice memo states that the Fair Labor Standards Act is not violated in this instance "because any training time outside of an employee's regular work hours is exempt under the Act." Commissioner Judge pointed out that the advice memo states that students can leave after dinner so long as they return by the established curfew. Director Mason explained that there is a maximum of 42 hours of training per week, including the night drill time.

Commissioner Porter asked if there is anything in the FLSA that makes it peculiar to firefighters. Commissioner Judge says he thinks it is peculiar to firefighters. His recollection from the discussions he has had with Attorney Schlitzer is that there are regulations that are specific to fire protection and law enforcement employees.

Chair Fortier said that there is more than the FLSA in concern. A number of individuals and organizations from all aspects involved with this are showing some concern and displeasure, and are questioning the actual need of the residency requirement for C2F2 programs. Also a letter has been received from the Professional Firefighters' attorney requesting copies of Minutes with anything to do with the formation of C2F2. Many chiefs have sent messages and voiced concerns, displeasure, and are questioning the actual need. Some of the students and some of the actual instructors who are involved are also questioning the need. We are getting looked at by all aspects of our customer base. The bottom line is that it's getting to be a point.

Chair Fortier said that he met with Dave Lang and Bill McQuillen last week. It's pretty clear that the Professional Firefighters are opposed to the residency requirement. Commissioner Duquette said the concern is, if someone has been on the job for a year or more, what is the benefit of him/her staying overnight. He said no one is arguing the validity of the program or going.

Commissioner O'Keefe said that some of it is a breakdown in communication. When you have someone who has been on the job for a certain amount of time, and you would have to decide what the certain amount of time is, what is the benefit of some of the curriculum you are using. Some of these firefighters have been living for a year or more on the job, so they probably know it better by experiencing it every day.

Commissioner Duquette said that, again, the argument is not the benefit of it; the argument is the hours and the overtime. Everyone agrees there is a benefit to it. No one has said it is a bad program or that it is detrimental for someone to go for overnight when he/she has 20 years on the job, and that was discussed.

Chair Fortier said there is the argument of the dollars and cents; and there is the argument of the value. He stated he wants the whole argument on the table. There is an FLSA dollar and cents argument; there is also an argument or concerns for better terminology; there is also a concern that some collective bargaining agreements have probationary firefighters covered in them so now we are getting into some labor concerns. They are legitimate concerns.

Mr. McQuillen noted that at their meeting we said that, if you change the word "required" to "highly recommended," that the majority of students would probably stay anyway. The night drills and curfews and all the other issues go away because they are not a contractual issue. But the issue is the requirement.

Chair Fortier said it is going to be this Commission's decision what we do with that--if you make it highly recommended, or we make it strictly a day program, or we keep it the way it is.

Commissioner O'Keefe asked what was the reason for residency. Commissioner Butts answered that he sat on the Visiting Committee, and they insisted on that, and it was a general consensus by everyone in that room, that the reason people fail in the fire service is not because they can't do the job. It's because they can't get along with people they work with. The only way to find out if a new firefighter can't get along with the people he/she works with is if he lives with them. And that is something that Chair Fortier, Chief Lemay, and Commissioner Butts watched out for when they ran the program. You can tell in three days if they are going to mix or not. And that was the whole thought process behind the residency program.

Chair Fortier said that a lot of these new people who come in have no real habits. We are making them excellent technicians on the fire ground. These individuals don't know enough to take their hats off; they don't have any respect for rank. It's amazing what we do. Chair Fortier said he is showing them how to make a bed, how to clean up after themselves, how to be respectful to each other and respectful of others in the fire service. We show some patriotism; we show them some drill and ceremony. When you come here and see the recruits marching around, they are doing it because they want to, not because they were directed to. We make a lesson out of everything--lessons in teamwork. If they can't pay attention to the most minute detail in certain things, not paying attention to detail on the job might cost you or someone else their life. So we make them detail oriented.

Commissioner Butts said he would like to invite all Commission members to the second day of C2F2 and then again to the second to last day. Students interact with each other at the end. He said it's amazing what happens in two weeks. He further explained that he brought 11 firefighters from Manchester to Concord for the C2F2 training. He stated that Chief Kane has expressed sincere interest in their coming here as firefighters and leaving here as professionals.

Commissioner Landry stated he is for the recruits staying here. He said if he has a choice of two firefighters, and one stayed and one went home,

he would want the one who chose to stay. But they would both have the same certificate, and he would not know which one stayed.

Chair Fortier said we had recruits in age from just out of high school to 52 years old. Everyone ended up blending in. The young people were asking the older ones questions. The older ones became in-class mentors. They come out a better firefighter.

Director Mason gave a short history of C2F2. He stated that prior to his arrival there was a vote of the Commission that said that Firefighter II would be the career mandate and that it would have to be taken at the Academy. That caused a problem with the associations that do training outside of the Academy. The first night hearing that we had--at that time it was the Veterans Affairs & Public Safety Committee, now Criminal Justice & Public Safety Committee--was held at the Legislative Office Building behind the State House. There was a lot of testimony. The Commission revisited the issue and decided there had to be something for changing from the old Firefighter Level One, Career, and Two to the new NFPA standards. There were many night meetings around the State to see what type of things people were interested in.

Director Mason continued, stating that a Visiting Committee was put together of four organizations, and they met two days here in November of 1997. The Visiting Committee consisted of four members of the Professional Firefighters Association, four members of the State Firemen's Association, four members of the Permanent Firemen's Association, and four members of the NH Association of Fire Chiefs. Most of them were here for the two days of the meeting.

There were certain decisions that were made by this Committee. Firefighter I and II is not sufficient training for full-time career firefighters. The Career program should be ten days in length; must be taken in its entirety as a unit; shall be taken at the Fire Academy or other appropriate location with facilities, i.e., overnight accommodations, burn building, aerial ladder, etc.; and instructors approved by the Director of the Division of Fire Standards & Training. There shall be a screening criteria for entrance to these courses offered allowing those who are already fire-service employed the first option, provided they meet the prerequisite requirements. The content of the Career certification shall be skills proficiency, cultural diversity, health and wellness, operations, etc. There are to be extensive hands-on practical evolutions. This program shall be available to all fire service personnel meeting the minimum prerequisite training certifications. Residency is required. The hours of training shall be kept as close to realistic task expectations as possible. RSA 21-P:29 mandates a time element that must be met by full-time career firefighters so it must be offered at least twice annually.

There were some discussion items. There was a section that said that, if the ten days were unacceptable, it would have to be a minimum of at least five. Actually we have run nine days because typically they run through a holiday.

General fire service concerns were sought by the facilitator who was Commissioner Porter. Satellite locations for training, ensured consistency in quality of instructors, and computer training were some of the other recommendations.

The Visiting Committee meeting was November 13 and 14, 1997. It was never voted on until November 2, 2000 as the career mandate because in between that time there were meetings around the State to make sure that people understood. If it deals with curriculum it has to be on the table for 60 days; there has to be a minimum of two public hearings, one in during the day and one at night, or on the weekend so all volunteers can have time to attend; and it has to be open for written comments.

As a member of the NH Fire Chiefs Association noted, that organization voted unanimously, with one abstention that was Director Mason, in March of 2000 to accept the final report.

Director Mason had copies of all the Minutes of Commission meetings where C2F2 was discussed.

When the Fire Standards & Training Commission votes to make a change, it has to be on the table for 60 days and has to have two public hearings. Tonight the Commission members cannot vote on anything because you don't have a quorum. However, the Chair has the authority to set public hearings if that is what he wishes to do. The next regular Commission meeting isn't until the first Thursday in September because we typically don't meet in the summer.

Director Mason said he and Chair Fortier had a discussion that, if we had a quorum today and took a vote, it would slight the four organizations that were in on the creation of this in the beginning. So their thoughts were, between now and the beginning of September, have three or four different public hearings, and make sure these organizations know well about it

Commissioner Porter asked if we could somehow get down on paper all those evolutions that are part of the curriculum. That way those of us who haven't experienced it can really get the feeling of it as it was so well described today. At least it would be a start.

Commissioner Butts stated that, if the Commission members will be here tonight, they need to be out front for the flags ceremony at 5:30 p.m. They put them up in the morning and take them down at night. Chair Fortier noted that in the beginning our people did not even know how to salute. We used to depend on our former military people who came into the fire service to help us. So we made friends with the National Guard, and they send drill sergeants, who do a wonderful job and are excellent instructors.

Chair Fortier said he feels they should have some hearings between now and September. We will make sure there is communication about it. We will ask people to come tell us what your concerns are. Commissioner Landry agreed that this is the way to get two-way communications going. Commissioner O'Keefe said we need to let people know a snapshot of the history of it.

Commissioner Porter said that, if someone has been a firefighter for 14 years, he/she might know pretty much half the stuff that they are going to cover in the actual course curriculum. Director Mason said that one of the issues with the person who had been on for 14 years is that he only has to meet the training of when he was originally hired. That is the only part of the Administrative Rules that say an "original appointment." It was Nashua's decision to say he is going to go to the same thing as everybody else. They could have put him on shift already, and sent everyone else. But it was their decision, if they are going to have a Recruit School, no matter what they are going to send everybody through. Chief Kane in Manchester has said the same thing; he has said he has seen positive things come out of this.

Commissioner O'Keefe said that he is going to keep his organization informed as to what is going on. There is a definite need for better communication. He asked if there is a way he can get the information of a vote and who was there from the Visiting Committee's final report. Director Mason said that the motion was in November of 2000, and it specifies two public hearings on December 6, one at 2:00 p.m. and one at 7:00 p.m., to be held at the Fire Academy. The program will be effective January 1, 2001, with those with Firefighter II on that day eligible for employment until January 1, 2002. That is in accordance with the RSA. No one showed up for that hearing.

Chair Fortier will extend an invitation to all the organizations for the hearings. He said that he and the Vice Chair will be at the hearings.

VII. NEW BUSINESS

Item 1. CPAT. Commissioner Duquette explained that the history of CPAT is not going well. It was put off because the test requires licensing, and the definition of that licensing seems to have changed several times. Licensing was not mentioned until February 2002. Now to do CPAT the State has to be licensed and the departments that participate would need to be licensed. That is still being defined. No one has all the answers yet.

Director Mason said that he and Commissioners Butts and Duquette are going to sit down with members of the Professional Firefighters. They have offered to have a conference call out of their office with the person who oversees it from the International so we can answer these questions. In the last issue of *On Scene*, it said that the only people who will need to be licensed are the people who are actually running the exam. Director Mason said he thinks at this time everything is well under control.

Chair Fortier said he has some concerns about this. He has some concerns with some small communities, and us having to tell them they have to sign a contract to agree that they are going to follow certain procedures of hiring. Chair Fortier asked Commissioner O'Keefe to be on the committee with Commissioners Butts and Duquette and Director Mason.

Director Mason stated that we would be running the CPAT, and we need to be licensed to assure that we are following the rules.

VIII. RETREAT ITEM DISCUSSION

Item 1. Instructor Quality Control. It was agreed by all Commission members present to table the Instructor Quality Control discussion until the September 5, 2002 Commission meeting since they are not in official session.

IX. GOOD OF THE ORDER

Item 1. Commission with Complaint. Commissioner Duquette said there should be a memorandum of understanding that, if someone comes to Commissioner with a complaint about a personnel issue, there should be a step system. He asked what the proper chain of command would be. Director Mason said he is the Commission's Executive Officer, and these issues should go to him. Chair Fortier said the Staff Instructors are Division employees, not Commission employees. Director Mason said

the complaint would probably have to be in writing, but he would have to hear the complaint first to decide.

Item 2. Public Hearing. Director Mason announced that at 5:30 p.m. there is a dinner, and he does encourage everyone to participate in the flag ceremony before dinner. Tonight the Criminal Justice & Public Safety Committee will hold their Public Hearing. The Chairman of the Committee, Representative Welch is here. The hearing will be in the auditorium. Director Mason said that all Commission members are invited to attend.

Item 3. Firefighters' Memorial. Commissioner Butts asked what the status of the firefighters' memorial is. Director Mason reported that it is temporarily on hold until we know what is going to happen to the site that was chosen. We are open to suggestions on another location on campus.

Director Mason noted that right after September 11, at noon on a particular day, all the churches were requested to ring their bells. We had our own ceremony here at the Academy, and all the staff members rang the bell twice. Commissioner Butts said that the C2F2 class was the second group to officially use the bell.

X. ADJOURNMENT

The Commission meeting closed at 4:55 p.m.

Respectfully submitted,

Richard A. Mason, Director